

IN RE: PETITION FOR ZONING VARIANCE
NE/Corner Berk Avenue and
Berkfield Road
(1220 Berk Avenue)
15th Election District
7th Councilmanic District
Edward P. Kocoon, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-155-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an accessory structure (detached garage) to be the same size as the principle structure (dwelling) and to allow an accessory structure on a corner lot to be located 6 feet less than the required 1/3 rear yard farthest removed from the side street, in accordance with Petitioner's Exhibit 1.

The Petitioners, by Edward P. Kocoon, appeared and testified. Also appearing on behalf of the Petition were Deborah L. Files and Lee Chapman, nearby property owners. There were no Protestants.

Testimony indicated that the subject property, known as 1220 Berk Avenue, consists of 6,912 sq. ft., and is improved with a single family dwelling. Petitioners propose constructing a two-car garage, of the same size as the existing dwelling, to the rear of the subject property. Due to the size of the lot and its corner location, the proposed structure will be located 6 feet within the minimum required 1/3 rear yard farthest removed from any street. Mr. Kocoon testified that he and his wife have parked their respective cars on the street for many years; however, as a result of new development in the area and the growth of their immediate neighborhood, traffic on their residential streets has increased and their cars have been hit on several occasions. Testimony indicated that a garage of sufficient size to accommodate two cars could not be built on the

property without the requested variance and that to deny the variance would result in practical difficulty and unreasonable hardship to Petitioners without benefit to the community. Petitioners testified the relief requested will not result in any detriment to the public health, safety or general welfare.

Petitioners, Ms. Files, and Mr. Chapman testified in response to the comments submitted by the Office of Planning regarding screening and fencing. Testimony indicated that additional landscaping was not needed due to existing conditions of the subject property and surrounding properties providing an adequate buffer.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

WHEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of November, 1989 that the Petition for Zoning Variance to permit an accessory structure (detached garage) to be the same size as the principle structure (dwelling) and to allow an accessory structure on a corner lot to be located 6 feet less than the required

one-third rear yard farthest removed from the side street, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) The variance granted herein is limited to a two-car garage for the storage of Petitioners vehicles and other personal household items. Under no circumstances shall the garage be used for commercial purposes.
- 4) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

November 15, 1989



Mr. Edward P. Kocoon
1220 Berk Avenue
Baltimore, Maryland 21237

RE: PETITION FOR ZONING VARIANCE
NE/Corner Berk Avenue and Berkfield Road
(1220 Berk Avenue)
15th Election District - 7th Councilmanic District
Edward P. Kocoon, et ux - Petitioners
Case No. 90-155-A

Dear Mr. Kocoon:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The petition for zoning variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Ms. Deborah L. Files
1220 Landover Road, Baltimore, Md. 21237

Mr. Lee Chapman
8405 Berkfield Road, Baltimore, Md. 21237

People's Counsel

File

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-155-A

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1012.400.1. To allow an accessory structure (dwelling) detached garage to be the same size as the principle structure (dwelling) and to allow an accessory structure on a corner lot to be located 6 feet less than the required 1/3 rear yard farthest removed from the side street, in accordance with the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

1. Construction of a 2 car garage
2. Overall lot does not include 10' easement
3. Corner lot must have driveway thru easement

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
Edward P. Kocoon
(Type or Print Name)
Signature
1220 Berk Avenue
Baltimore, MD 21237
City and State

Attorney for Petitioner:
Baltimore, MD 21237
(Type or Print Name)
Address
1220 DEER AVE 686-9413
City and State
Signature
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address
City and State
Phone No.

Attorney's Telephone No.: 26

ORDERED By The Zoning Commissioner of Baltimore County, this 26 day of November, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 6 day of December, 1989, at 10:00 a.m.

(over)

Zoning Description

On the corner of Berkfield Road and Berk Avenue, both streets being 30' wide. Lot #12, block 3 subdivision of Berkfield. District 15, Precinct 2, Folio 19, Liber 17. Also known as 1220 Berk Avenue.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 1524
Date of Posting: 11/21/89
Posted for: Variance
Petitioner: Edward P. Kocoon, et ux
Location of property: NE/Corner Berk Ave. & Berkfield Rd.
1220 Berk Ave.
Location of Sign: Along Berk Ave. approx. 5' from road & along, etc.
Remarks: g. Haines
Posted by: g. Haines
Number of Signs: 2
Date of return: 11/22/89

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

Mr. & Mrs. Edward P. Kocoon
1220 Berk Avenue
Baltimore, Maryland 21237

Re: Petition for Zoning Variance
Case Number: 90-155-A
NEC Berk Avenue and Berkfield Road
1220 Berk Avenue
15th Election District - 7th Councilmanic
Petitioner(s): Edward P. Kocoon, et ux
HEARING: MONDAY, NOVEMBER 6, 1989 at 9:30 a.m.

Dear Mr. & Mrs. Kocoon:

Please be advised that \$132.00 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland (fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$59.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
ZONING COMMISSIONER

JRH:gs
cc: File

(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)

Baltimore County
Zoning Commissioner
County Office Building
11 West Chesapeake Avenue
Towson, Maryland 21204
11/03/89

receipt

Date: PUBLIC HEARING FEES QTY: PRICE
080 - POSTING SIGNS / ADVERTISING 1 X \$132.00
LAST NAME OF OWNER: KOCOON TOTAL: \$132.00

Cashier Validation:

Please make checks payable to: Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD., Oct 5, 1989
THIS IS TO CERTIFY that the annual advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Oct 5, 1989.

THE JEFFERSONIAN,

S. Zebe Orlov
Publisher

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property described in Folio 19, Liber 17 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 at 9:30 a.m. on Monday, November 6, 1989.
Petitioner for Zoning Variance Case number: 90-155-A
NEC Berk Avenue and Berkfield Road
1220 Berk Avenue
15th Election District
Petitioner(s): Edward P. Kocoon, et ux
Hearing Date: Monday, Nov. 6, 1989 at 9:30 a.m.
Variances to allow an accessory structure (detached garage) to be the same size as the principle structure (dwelling); and to allow an accessory structure on a corner lot to be located 6 feet less than the required 1/3 rear yard farthest removed from the side street.
If the Zoning Commission grants a zoning variance, the applicant must file an appeal with the Zoning Commission within 30 days of the date of the hearing. If the Zoning Commission denies the variance, the applicant must file an appeal with the Zoning Commission within 30 days of the date of the hearing. If the applicant fails to file an appeal within the 30-day period, the variance will be deemed to have been granted.
If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
10/20 Oct. 6, 1989

PO17229
reg M34231
cc 90-155-A
price \$49.25

CERTIFICATE OF PUBLICATION
Office of
THE AVENUE NEWS

442 Eastern Blvd.
Baltimore, MD 21221

October 5, 1989

THIS IS TO CERTIFY, that the annexed advertisement of Edward P. Kocou, Jr. in the matter of Zoning Case #B-014995, was published in Baltimore County, Maryland once a week for successive week(s) before the 6 day of Oct., 1989. It is to say, the same was inserted in the issue of Oct. 5, 1989.

per publisher
The Avenue Inc.
By *David C. Schell*

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 90-155-A
NEC Berk Avenue and Berkfield Road
1220 Berk Avenue
15th Election District - 7th Councilmanic
Petitioner(s): Edward P. Kocou, et ux
HEARING: MONDAY, NOVEMBER 6, 1989 at 9:30 a.m.

Variances: To allow an accessory structure (detached garage) to be the same size as the principal structure (dwelling); and to allow an accessory structure on a corner lot to be located 6 feet less than the required 1/3 rear yard farthest removed from the side street.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

NOTE:
(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow telephone 887-3391 to confirm hearing date.)

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:scc
cc: Mr. & Mrs. Kocou
File

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HEARING: MONDAY, NOVEMBER 6, 1989 at 9:30 a.m.

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NOTE:
(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow telephone 887-3391 to confirm hearing date.)

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:scc
cc: Mr. & Mrs. Kocou
File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3393

J. Robert Haines
Zoning Commissioner

Edward P. Kocou
1220 Berk Avenue
Baltimore, MD 21237

RE: Building Permit No. B-014995
Control No. MR
1220 Berk Avenue
15th Election District

Dear Mr. Kocou:

The Zoning Office cannot approve the above referenced building permit application for the following reason(s):

- XXX Improper setbacks
- XXX Corner lot setbacks require the garage be 25' from the Berkfield Road side of the property and 3' from rear and other side line.
- Inspection of the property must be made
- Insufficient information on permit
- REVISED PLANS (9 COPIES) MUST BE SUBMITTED TO COUNCIL IN ROOM 100, COUNTY OFFICE BUILDING, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND. ALL PLANS MUST BE ACCOMPANIED BY A COVER LETTER LISTING THE REVISIONS AND REFERENCING THE PERMIT AND CONTROL NUMBER. REVISED PLANS MUST BE SUBMITTED IN PERSON AND FOLDED TO 8-1/2" X 11".
- XXX Drawings should be to scale. Appears to be in conflict with Section 400 of B.C.Z.R.
- XXX Variance required: Building permit #B-014995 is dependent on the outcome of the hearing.

If you have any further questions, you may contact me at 887-3391 to make an appointment.

Very truly yours,

John R. Alexander
John R. Alexander
Planning & Zoning Associate II
Development Control Office

cc: Planning File
Zoning File

TIME: 14:27:41
DATE: 06/22/89
PERMIT #: B014995
ZONING: 02/06/89
FUP SERV: 02/06/89
SUBMIT: 02/06/89
PERMITS: 02/06/89

PERMIT TRACKING SYSTEM
APPROVALS DETAIL: 3/8/89
CODE COMMENTS
17 CON/VAR REQUIRED/APPLICANT INFORMED 5/9/89
18 UN/ENV.NCMT

01 THRU 07 INDICATES AN "APPROVAL" ** 10 THRU 99 INDICATES A "DISAPPROVAL"
ENTER - NEXT APPROVAL PF4 - ISSUE PERMIT

TIME: 14:27:10
DATE: 06/22/89
PERMIT #: B014995
RECEIPT #: A00174
CONTROL #: B014995
PAID BY: APPLICANT
PAID: 45.00
APPLIED: 05/05/89
OCCUPANCY: 05/05/89
NOTES: PH

1220 BERK AVE
TOWSON, MD 21237
15TH ELECTION DISTRICT

PROPERTY ADDRESS
TAX MAP: 1220 BERK AVE
BUILDING INFORMATION (LAST, FIRST)
NAME: EDWARD P. KOCOU
APPLICANT INFORMATION
NAME: EDWARD P. KOCOU
ADDRESS: 1220 BERK AVE
CITY: BALTIMORE, MARYLAND 21237
PHONE: 887-3391

ENTER PERMIT DETAIL PF3 - INSPECTIONS PF4 - DELETE PF5 - SAVE
PF2 - APPROVALS PF6 - ISSUE PERMIT PF7 - NEXT PERMIT CLEAR - MENU
AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE: 05/03/89
BUILDING DETAIL 1 TRACT: DATA BLOCK PL 2
PLAN: CONVT PLOT 3 PLAT: DATA BLOCK PL 2
BUILDING CODE: 2
FUNDATION BASE
CONSTRUC FUEL SEWAGE WATER
CENTRAL A/C
BATHROOM: 1
RESIDENTIAL CAT: 1
FAMILY BEDROOMS: 1
PROPOSED USE: SAME AS GARAGE DWELLING
EXISTING USE: SINGLE FAMILY DWELLING
TOTAL APTS: 1

TIME: 14:27:17
DATE: 06/22/89
PERMIT #: B014995
BUILDING SIZE
FLOOR AREA: 2,200
HEIGHT: 14'-0"
STORIES: 1+LOFT
LOT: 005: 0012
CORNER LOT: 1
ASSESSMENT
REVISIONS: 06/18/89: 00
IMPROVEMENTS: 06/17/89: 00
TOTAL ASS.: 00

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3393

J. Robert Haines
Zoning Commissioner

Edward P. Kocou
1220 Berk Avenue
Baltimore, MD 21237

RE: Building Permit No. B-014995
Control No. MR
1220 Berk Avenue
15th Election District

Dear Mr. Kocou:

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- XXX Drawings should be to scale. Appears to be in conflict with Section 400 of B.C.Z.R.

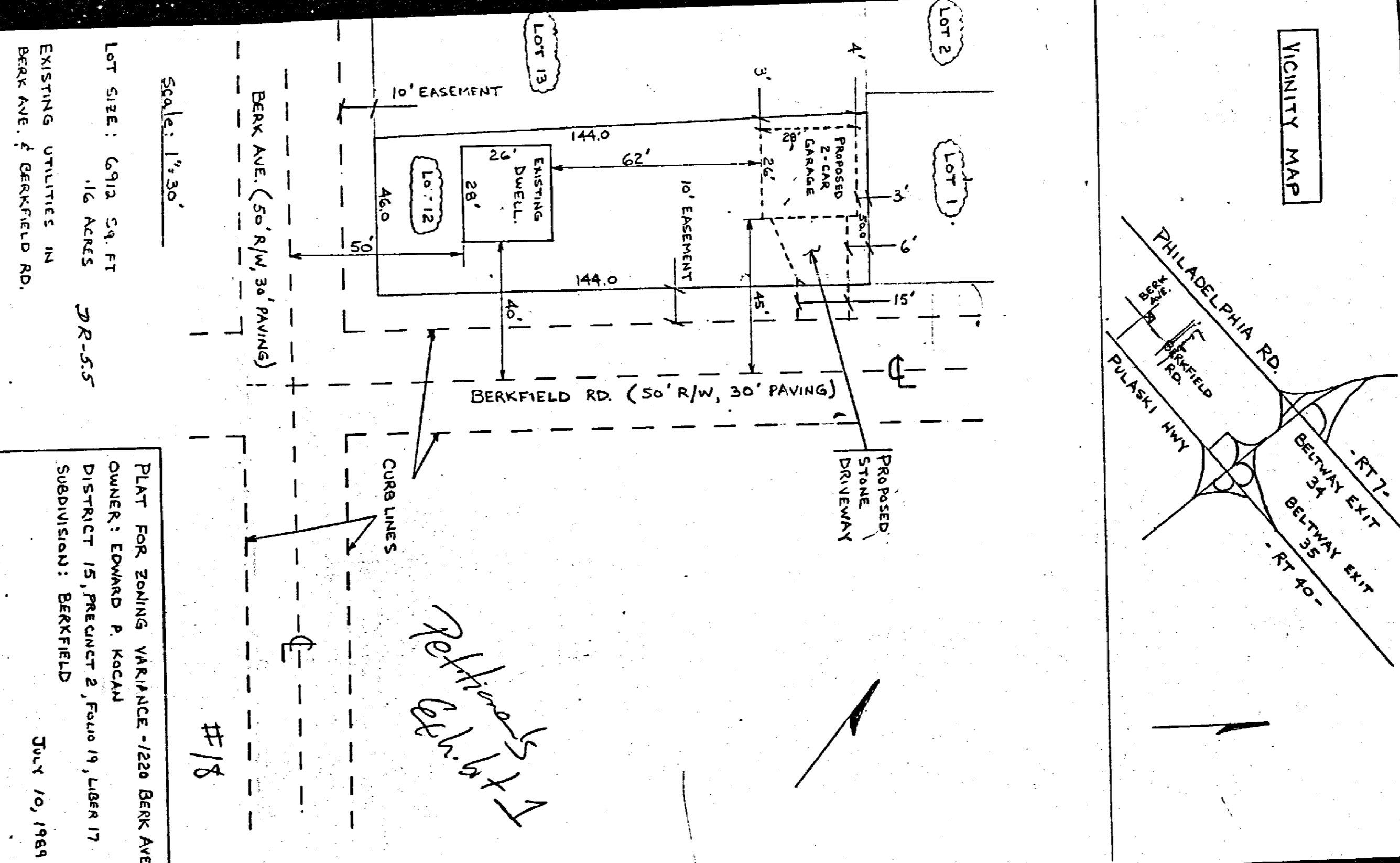
If you have any further questions, you may contact me at 887-3391 to make an appointment.

Very truly yours,

John R. Alexander
John R. Alexander
Planning & Zoning Associate II
Development Control Office

JRA:sccj

cc: Planning File
Zoning File



COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

MEMBERS

Bureau of Engineering

Department of Traffic Engineering

State Roads Commission

Bureau of Fire Prevention

Health Department

Project Planning

Building Department

Board of Education


Zoning Administration

Industrial Development

RE: Item No. 18, Case No. 90-155-A
Petitioner: Edward P. Kocon, et ux
Petition for Baltimore, MD 21237

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

 JAMES E. DYER
 Chairman

Enclosures

J. Robert Haines
Fiscal Commissioner



Dennis Rasmussen
County Executive

J. Robert Haines
J. ROBERT HAINES
SENIOR COMMISSIONER

James E. [Signature]
Chairman,
Zoning Plans Advisory Committee

Petitioner's Attorney

DATE: October 24, 1989

SUBJECT: Edward P. Kocon, Item 18
Zoning Petition No. 90-155-A

In reference to this request, Staff offers the following comments:

- The petitioner should provide plant screening and or a fence (if not already existing) along the rear and east side property lines adjacent to the proposed 2 car garage.

- If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

PK:JL:qgl

Rec. OCT. 27, 1989 MAILED COPIES jar OCT 27 1989

RECEIVED

AUG 3 1961

ZONING OFFICE

July 31, 1989

Dennis F. Rasmussen
Curtis E. Rasmussen

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 9, 10, 11, 12, 13, 14, 15, 16, 17, ~~18~~ 19, and 20.

Michael S. Flanigan
Traffic Engineer Associate II

MSF/lab

JULY 24, 1989



Dennis F. Rasmussen

RE: Property Owner: EDWARD P. KOCON
Location: #1220 BERK AVENUE

Location:
Item No.: 18
Zoning Agenda: JULY 25, 1988

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Capt J. Kelly
Planning Group
Special Inspection Division

Noted and

Approved Capt W. M. [Signature]
Fire Prevention Bureau

JK/KEK

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME _____

ADDRESS

NAME
Deborah L. Filer
LEE CHAPMAN

1220 LANDOVER RD.
8415 SPRINGFIELD RD